

REMARKS

This is a full and timely response to the non-final Office Action mailed on October 20, 2004. Claims 1-2, 6, 13, 16, 20, 22, 28, 33-34, and 39 are canceled and claims 42-49 are newly added. Claims 3-5, 7-12, 14-15, 17-19, 21, 23-27, 29-32, 35-38, and 40-49 are pending in the present Application. Reconsideration and allowance of the Application and presently pending claims are respectfully requested. Applicants should not be presumed to agree with any statements made by the Examiner regarding the rejections and objections made in the Office Action unless otherwise specifically indicated by the Applicants.

I. Interview Summary

On December 6, 2004, Examiner Jamie Vent spoke with Applicants' attorney, Minh Nguyen. First, Applicants wish to express their sincere appreciation for the time and consideration spent during the discussion of the office action, the cited references, and proposed claims. No agreement was reached between the Examiner and the Applicants as to whether the proposed claims overcame the cited references. However, the Examiner suggested that adding limitations related to assigning a color to a television presentation listing that has a time scheduling conflict and is scheduled to be recorded and presenting the television presentation listing in an interactive program guide (IPG) may put the claims in condition for allowance. Applicants have amended the claims in this response to include at least the suggested limitations. Applicants respectfully request that the claims be allowed.

II. Response to Claim Rejections Under 35 U.S.C. § 102

Claims 1-7, 9-29, and 31-41 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,756,997 to *Ward, et al.* Applicants respectfully traverse this rejection.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

A. Claim 23

Claim 23, as amended, recites:

23. A system for managing television presentation recordings comprising:

determination logic for determining if a television presentation corresponding to a television presentation listing is scheduled to be recorded;

assignment logic for assigning a color to the television presentation listing in response to the determination logic determining that the television presentation is scheduled to be recorded and has a time scheduling conflict with another television presentation that is scheduled to be recorded; and

presentation logic for presenting the television presentation listing having the color that indicates that the television presentation has the time scheduling conflict and is scheduled to be recorded, the television presentation listing being presented as part of a requested interactive program guide (IPG), wherein *the IPG includes a main program display area that contains the television presentation listing that is assigned the color and information corresponding to the availability of the television presentation listing for viewing during at least one time period.*

(Emphasis Added)

As an initial matter, Applicants respectfully submit that *Ward, et al.* does not teach or disclose “assignment logic for assigning a color to the television presentation listing in response to the determination logic determining that the television presentation is scheduled to be recorded and has a time scheduling conflict with another television presentation that is scheduled to be recorded; and ... the IPG includes a main program display area that contains the television presentation listing that is assigned the color and information corresponding to the availability of the television presentation listing for viewing during at least one time period,” as recited in claim 23.

In fact, the Office Action stated that *Ward, et al.* discloses on column 12 lines 37+ “the conflict resolution that occurs when two programs are selected to be recorded at the same time and the resolution of the conflict.” *Ward, et al.* apparently discloses as follows:

“The EPG’s Record Function recognizes conflicts in viewer record instructions. In one embodiment, the EPG’s Record Function prompts the viewer to resolve the conflict. ... In one embodiment, if the EPG detects that one recording instruction pertains to a ‘one occurrence’ program that conflicts in data, time and duration with a recording instruction to record a ‘regularly recorded’ program, the EPG would format an on screen message that would suggest to the viewer that the viewer select the ‘one occurrence’ program to be recorded. In another embodiment, the EPG automatically ‘decides’ to override the ‘regularly record’ instruction and will record the ‘one occurrence’ program with no further intervention by the viewer.”

Applicants respectfully submit that *Ward, et al.* does not teach or disclose assigning color to a television presentation listing that is scheduled to be recorded and has a time scheduling conflict with another television presentation listing that is scheduled to be recorded. In fact, *Ward, et al.* discloses as follows:

“In one embodiment, Panel ads are surrounded by flat black borders. When a panel ad is highlighted, the border turns yellow. When a program is set to record the border turns red (dark red when the Panel ad is not highlighted, light/bright red when highlighted). When a program is scheduled to watch, the border turns orange (dark orange when the Panel ad is not highlighted, light/bright orange when highlighted).”

Applicants respectfully submit that the *Ward, et al.* panel ads are not a main program display area of an interactive program guide that contains the television presentation listing that is assigned a color and information corresponding to the availability of the television presentation listing for viewing during at least one time period, as recited in claim 23.

Consequently, *Ward, et al.* apparently does not teach or disclose the feature of “assignment logic for assigning a color to the television presentation listing in response to the determination logic determining that the television presentation is scheduled to be recorded and has a time scheduling conflict with another television presentation that is scheduled to be recorded; and ... the IPG includes a main program display area that contains the television presentation listing that is assigned the color and information corresponding to the availability of

the television presentation listing for viewing during at least one time period,” as recited in claim 23. Thus, a prima facie case of anticipation is not established based on *Ward, et al.* Consequently, for at least this reason, among others, Applicants respectfully request that claim 23 be allowed and the rejection be withdrawn.

B. Claim 41

Claim 41, as amended, recites:

41. A method for managing television presentation recordings comprising:
determining if a television presentation corresponding to a television presentation listing is scheduled to be recorded;
assigning a color to the television presentation listing if the television presentation is scheduled to be recorded;
wherein the color is used as a background color for the television presentation listing;
wherein the color is determined based on whether the television presentation has a time scheduling conflict with another television presentation that is scheduled to be recorded;
wherein the television listing is presented to the user as part of an interactive program guide (IPG), ***wherein the IPG includes a main program display area that contains the television presentation listing that is assigned the color and information corresponding to the availability of the television presentation listing for viewing during at least one time period;*** and
wherein the method is implemented via a digital home communication terminal.

(Emphasis Added)

Applicants respectfully submit that *Ward, et al.* does not teach or disclose “assigning a color to the television presentation listing if the television presentation is scheduled to be recorded; ... wherein the color is determined based on whether the television presentation has a time scheduling conflict with another television presentation that is scheduled to be recorded; ... wherein the IPG includes a main program display area that contains the television presentation listing that is assigned the color and information corresponding to the availability of the television presentation listing for viewing during at least one time period,” as recited in claim 41.

In fact, Office Action stated that *Ward, et al* discloses on column 12 lines 37+ “the conflict resolution that occurs when two programs are selected to be recorded at the same time and the resolution of the conflict.” *Ward, et al.* apparently discloses as follows:

“The EPG’s Record Function recognizes conflicts in viewer record instructions. In one embodiment, the EPG’s Record Function prompts the viewer to resolve the conflict. ... In one embodiment, if the EPG detects that one recording instruction pertains to a ‘one occurrence’ program that conflicts in data, time and duration with a recording instruction to record a ‘regularly recorded’ program, the EPG would format an on screen message that would suggest to the viewer that the viewer select the ‘one occurrence’ program to be recorded. In another embodiment, the EPG automatically ‘decides’ to override the ‘regularly record’ instruction and will record the ‘one occurrence’ program with no further intervention by the viewer.”

Applicants respectfully submit that *Ward, et al.* does not teach or disclose assigning color to a television presentation listing that is scheduled to be recorded and has a time scheduling conflict with another television presentation listing that is scheduled to be recorded. In fact, *Ward, et al.* discloses as follows:

“In one embodiment, Panel ads are surrounded by flat black borders. When a panel ad is highlighted, the border turns yellow. When a program is set to record the border turns red (dark red when the Panel ad is not highlighted, light/bright red when highlighted). When a program is scheduled to watch, the border turns orange (dark orange when the Panel ad is not highlighted, light/bright orange when highlighted).”

Applicants respectfully submit that the *Ward, et al.* panel ads are not a main program display area of an interactive program guide that contains the television presentation listing that is assigned the color and information corresponding to the availability of the television presentation listing for viewing during at least one time period, as recited in claim 41.

Consequently, *Ward, et al.* apparently does not teach or disclose the feature of “assigning a color to the television presentation listing if the television presentation is scheduled to be recorded; ... wherein the color is determined based on whether the television presentation has a time scheduling conflict with another television presentation that is scheduled to be recorded; ... wherein the IPG includes a main program display area that contains the television presentation listing that is assigned the color and information corresponding to the availability of the

television presentation listing for viewing during at least one time period,” as recited in claim 41. Thus, a prima facie case of anticipation is not established based on *Ward, et al.* Consequently, for at least this reason, among others, Applicants respectfully request that claim 41 be allowed and the rejection be withdrawn.

C. Dependent Claims

Because independent claims 23 and 41 are allowable over the cited art of record, dependent claims 3-5, 7, 9-12, 14-15, 17-19, 21, 24-27, 29, 31-32, 35-38, and 40 are allowable as a matter of law for at least the reason that dependent claims 3-5, 7, 9-12, 14-15, 17-19, 21, 24-27, 29, 31-32, 35-38, and 40 contain all features and elements of their respective independent base claims. *See, e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to dependent claims 3-5, 7, 9-12, 14-15, 17-19, 21, 24-27, 29, 31-32, 35-38, and 40 should be withdrawn for at least this reason, among others.

III. Response to Claim Rejections Under 35 U.S.C. §103

In the Office Action, claims 8 and 30 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Ward* in view of U.S. Patent No. 6,642,939 to *Vallone, et al.*

In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the prior art reference must suggest all steps/elements/features of the claimed invention to one of ordinary skill in the art. *See, e.g., In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

Because independent claims 23 and 41 are allowable over the cited art of record, dependent claims 8 and 30 are allowable as a matter of law for at least the reason that dependent claims 8 and 30 contain all features and elements of their respective independent base claims. *In re Fine*, supra. Accordingly, the rejection to dependent claims 8 and 30 should be withdrawn for at least this reason, among others.

IV. Canceled Claims

Claims 1-2, 6, 13, 16, 20, 22, 28, 33-34, and 39 are canceled without prejudice, waiver, or disclaimer. Therefore, rejections related to any of claims 1-2, 6, 13, 16, 20, 22, 28, 33-34, and 39 are rendered moot, and Applicants should not be presumed to agree with any statements made by

the Examiner regarding any of claims 1-2, 6, 13, 16, 20, 22, 28, 33-34, and 39 unless otherwise specifically indicated by Applicants.

V. Newly Added Claims

Because independent claims 23 and 41 are allowable over the cited art of record, dependent claims 42-49 are allowable as a matter of law for at least the reason that dependent claims 42-49 contain all features and elements of their respective independent base claims. *In re Fine*, supra. Accordingly, the rejection to dependent claims 42-49 should be withdrawn for at least this reason, among others.

CONCLUSION

Applicants respectfully maintain that the currently pending claims 3-5, 7-12, 14-15, 17-19, 21, 23-27, 29-32, 35-38, and 40-49 are in condition for allowance. Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned attorney at (770) 933-9500.

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**



Jeffrey R. Kuester, Reg. No. 34,367
Attorney for Applicant

Thomas, Kayden, Horstemeyer & Risley, LLP
100 Galleria Parkway, NW
Atlanta, GA 30339
Ph: (770) 933 - 9500
Fax: (770) 951 - 0933